

Continuity of Care Advisory Panel

Legal Workgroup

September 4, 2013 (9:00 am -10:00 am)

Spring Grove Hospital Center (Dix Building Room #129)

Meeting Minutes

I. Attendees

Randall Nero (Patuxent Institution)
Denise Sulzbach (University of Maryland)
Stacy Reid Swain (DHMH)
Dan Martin (Mental Health Association of Maryland)
Crista Taylor (BMHSI)
Ed Kelly (Parent/BGR Franchising, LLC)
Dan Malone (OAG/DHMH)
Mike Finkle (On Our Own of Maryland)
Laura Cain (MDLC)
Susan Kneller
Scott Rose (Way Station)
Nevett Steele (On our Own of Maryland)
Lois Fisher (OPD)
Kate Farinholt (via phone/NAMI)
Senator Delores Kelley
Senator Kelley staff

II. Introductions

III. Approval of Minutes (8-8-13)

IV. Legal Workgroup Barriers

A survey was sent to workgroup participants asking each to rank in order of importance sixteen (16) potential legal barriers to continuity of care. The following barriers were discussed:

- Outpatient civil commitment
- Involuntary commitment
- Statutory access barriers
- Maryland guardianship statute
- Inconsistencies in Maryland law
- HIPPA
- Access to records
- Forced medication

- Housing
- CRISP
- Confidentiality with law enforcement
- Coordination of medical information
- Maryland laws for discharge from hospitals
- NCR (not criminally responsible) defense
- Violations of conditional release
- Accountability from providers

Discussion: The list was reduced to six (6) barriers and members will propose recommendations to the broader Advisory Panel. In circumstances where there is not a consensus, the group will list the pros and cons of each barrier with recommendations to the workgroup chairs. Workgroup members will email their recommendations to Stacy Reid Swain who will distribute the responses to the chairs. Below is the final list of barriers:

- Housing
 - Confidentiality
 - Accountability from Providers/Laws regarding Discharge from hospital
 - Guardianship
 - Outpatient Civil Commitment/ Involuntary Commitment
1. High bar to getting into hospitalization re: danger as a criteria
 2. Subset seriously mentally ill
 3. Competency issues
 4. Engage the population that is to be served
 5. Conditional release/violation
 6. Studies that compare groups AOT (NY/Swanson)
 7. Clarification memo/transmittal with interpretation
- Forced Medication/CRP

Discussion: Workgroup members requested the timeframe for delivery of the data requests from the consultant. It was reported that the data request was submitted and should be received by September 12, 2013 for inclusion in the reports/recommendations. An additional data request regarding racial disparities in the prison system was requested.

Prepared by: Stacy Reid Swain, Esq.